

REMARKS

Claims 1-13 are pending in the application. Claims 1-7, 9, 11, and 13 are rejected. Claims 8, 10, and 12 are objected to. Claims 1, 6, and 11 are amended. Claims 8 and 12 are canceled. New claims 14-18 are added. Claims 1-7, 9-11, and 13-18 remain for consideration.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 7, 9, 11 and 13 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Poulson.

Regarding claim 1, the Examiner states,

Figure 1 of Poulson teaches a portable device as recited in claim 1 comprising an attachment module (16, 20 and 24) for removably connecting to a wearer (the clip connects it to the wearer yet it is removable) and a display module (cell phone case 10 and the display of the telephone mentioned on column 1, lines 55-59) defining a window for displaying information (cell phone cases have windows for at least displaying the selection buttons of the numeral pad as confirmed by column 1, lines 55-58) wherein said display module is extendably and retractably (the leash cord extends and retracts) connected to said attachment module (the leash cord is connected to its housing, 16.)

Claim 1 has been amended to incorporate the limitations of dependent claim 8, which the Examiner has indicated as allowable. For at least this reason, applicant requests allowance of amended claim 1.

With regards to independent method claim 11, the Examiner states,

With regard to claim 11 and with reference to Figure 1, Poulson teaches a method of viewing a display of a portable device including securing an attachment module to a wearer (26 clips to the wearer), grasping a display module (10 and the display of the telephone mentioned on column 1, lines 55-59) and imparting a separating force to said display module to pull said display module away from said attachment module (as is made clear by column 2, lines 5-10, the phone case 10 can be grasped and, with a separating force, pulled away from the attachment module 16, 20, 24 and 26), playing out a line (again, please see column 2, lines 5-10), viewing a display on said display module (the specification of Poulson includes disclosure of a cell phone that would fit into the case in column 1, lines 55-62 and all cell phones include a display so the same is inclusive within the Poulson disclosure though not expressly mentioned or, alternatively, a keypad may be viewed as a 'display' of numbers) and taking up the played out line upon returning the display module to a position proximate the attachment module wherein a biasing force maintains said display module in proximity to said attachment module when said display is released by said wearer (again, please see column 2, lines 5-10.)

Claim 11 has been amended to incorporate the limitations of dependent claim 12, which the Examiner has indicated as allowable. For at least this reason, applicant requests allowance of amended claim 11.

With regard to claims 7 and 13, the Examiner states,

With regard to claims 7 and 13, the display module defines a protrusion (14) and the attachment module defines a receptacle (22) shaped for mating engagement (22 goes through the hole defined by 14) with said protrusion, said protrusion and said mating receptacle shaped for substantially preventing relative movement between the display module and the attachment module when both are in a retracted position (14 and 22 prevent the modules from separating, including movement away from each other in a lateral direction and this quality holds true when the device is in the retracted position.)

Applicant respectfully disagrees with the Examiner regarding the rejection of claims 7 and 13 over Poulson. Claims 7 and 13 each contain the following limitation: “said protrusion and said mating receptacle for substantially preventing relative movement between said display module and said attachment module when said display module and said attachment module are in a retracted position”. The Poulson “Cellular Phone Leash” is incapable of “substantially preventing relative movement between said display module and said attachment module”. The Poulson device connects the housing 16 to case 10 with an end fixture 20, which is coupled to snap hook 22 through ring 24 (col. 2, lines 3,4). Snap hook or belt hook 14 then attaches to small eye 14. Each of these connections, i.e., end fixture 20 to loop 24, loop 24 to snap hook 22, and snap hook 22 to eye 14, allow for freedom of movement between the adjacent connection members, much like multiple links in a chain. Clearly, a connection between the objects by a length of chain is incapable of “substantially preventing relative movement” between the connected objects. For at least this reason, applicant asserts that claims 7 and 13 contain patentable subject matter.

With regard to claim 9, the Examiner states,

With regard to claim 9, the attachment module (16) houses a spool (wound leash 19) for housing a cable when said display module and said attachment module are in a retracted position (the spool is wound up inside the attachment housing when in the retracted position;) and said spool is biased in a winding direction by a biasing member (spring 25 which causes the leash to retract.)

Claim 9 depends from amended independent claim 1, which is asserted to be patentable.

Applicant asserts that dependent claim 9 is allowable for at least this reason.

Claim Rejections - 35 U.S.C. § 103

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Poulson as applied to claims 1, 7, 9, 11, and 13 above, and further in view of Kim et al.

With regard to claim 3, the Examiner states,

Poulson includes all of the limitations of claim 1, from which claim 3 depends, as detailed in the foregoing rejection under 35 USC 102(b). What is not taught by Poulson that is recited in claim 3 is a button for illuminating a light acting on said information displayed in said window. These features are taught by Kim. (Please see abstract.) In order to produce the claimed invention, the case of Poulson must be altered simply by inserting inside of it the cell phone taught by Kim including a button for illuminating the information displayed in the window. Motivation for such a change is taught by the fact that the stated intent of Poulson is for carrying a cell phone such as that taught by Kim.

Claim 3 depends from independent claim 1, which is submitted to be patentable. Claim 3 is submitted to be patentable for at least this reason.

With regard to claim 4, the Examiner states,

Poulson includes all of the limitations of claim 1, from which claim 4 depends, as detailed in the foregoing rejection under 35 USC 102(b). What is not taught by Poulson that is recited in claim 4 is a button for changing a display mode of said information displayed in said window. These features are taught by Kim insofar the illumination button changes the mode of Kim's cell phone from unilluminated to illuminated. (Please see the abstract.) In order to produce the claimed invention, the case of Poulson must be altered simply by inserting inside of it the cell phone taught by Kim including a button for illuminating the information displayed in the window. Motivation for such a change is taught by the fact that the stated intent of Poulson is for carrying a cell phone such as that taught by Kim.

Claim 4 depends from independent claim 1, which is submitted to be patentable. Claim 4 is submitted to be patentable for at least this reason.

The Examiner rejects claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Poulson as applied to claims 1, 7, 9, 11, and 13 above, and further in view of Ryu. With regards to claim 5, the Examiner states,

Poulson includes all of the limitations of claim 1, from which claim 5 depends, as detailed in the foregoing rejection under 35 USC 102(b). What is not taught by Poulson that is recited in claim 5 is displaying said information on an LCD display. This feature is taught by Ryu (Please see column 2, lines 35-36.) In order to produce the claimed invention, the case of Poulson must be altered simply by inserting inside of it the cell phone taught by Ryu. Motivation for such a change is taught by the fact that the stated intent of Poulson is for carrying a cell phone such as that taught by Ryu.

Claim 5 depends from independent claim 1, which is submitted to be patentable. Claim 5 is submitted to be patentable for at least this reason.

The Examiner states that claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Poulson as applied to claims 1, 7, 9, 11, and 13 above, and further in view of Toyooka.

Poulson includes all of the limitations of claim 1, from which claims 2 and 6 depend, as detailed in the foregoing rejection under 35 USC 102(b). What is not taught by Poulson that is recited in claims 2 and 6 is that the window for displaying information is visible through the top cover and that the top cover defines a window for displaying information. These features are taught by Toyooka insofar as Toyooka teaches that the top cover of its cell phone case is transparent, forms a window and a type of cell phone having a display

on top is utilized (Please see column 5, lines 48-52.) In order to produce the claimed invention, the case of Poulson must be altered simply by providing a transparent window on its top cover and inserting inside of it a cell phone having its display on top as taught by Toyooka. Motivation for such a change is taught by the fact a transparent top with a display underneath it allows the display to be protected by a cover which allowing the user to view a phone number for instance at a glance without removing the cell phone from its case if it is carried on the waist band.

Claims 2 and 6 depend from independent claim 1, which is submitted to be patentable.

Claims 2 and 6 are submitted to be patentable for at least this reason.

Claim 6 is amended to depend from claim 2 rather than claim 1 to correct for antecedent basis problems.

Allowable Subject Matter

Claims 8, 10, and 12 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations of claim 8 have been incorporated in base claim 1, as explained above.

Claim 10 depends indirectly from amended independent claim 1. Claim 10 is submitted to be patentable for at least this reason.

The limitations of claim 12 have been incorporated in base claim 11, as explained above.

For the above reasons, applicant submits that independent claims 1 and 11 and all claims that depend therefrom are in condition for allowance.

New Claims

New independent claim 14 contains the following limitations:

wherein said display module and said attachment module are adapted to be substantially prevented from moving relative to one another when said display module and said attachment module are retractably connected.

The claim limitations are supported at least on page 9, lines 3 - 5 of applicant's disclosure.

Applicant asserts that new claim 14 is patentable over the cited art for the reasons set forth with respect to claims 7 and 13, above.

New dependent claim 16 and independent claim 17 claim an actuator assembly in said display module. The limitations are supported in the specification in paragraph [0020] and Fig. 6B.

Applicant requests allowance of new claims 14-18.

Application No. 10/606,664
Amendment Dated 12/13/04
Reply to Office Action of 09/20/04
Page 14 of 14

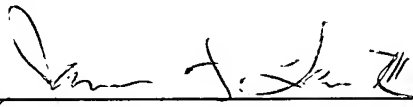
* * * * *

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

Date: 12-13-04

Telephone No.: (918) 599-0621
Facsimile No.: (918) 583-9659



James F. Lea III, Reg. No. 41,143
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318

Attorney for Applicants